

Message Text

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47 L

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 SS-20 NSC-07 PM-07 CIAE-00 INR-11

NSAE-00 RSC-01 L-03 DODE-00 H-03 PRS-01 CU-05 ACDA-19

DRC-01 /118 W

----- 015733

P R 271227Z JUL 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 7433

INFO AMEMBASSY MOSCOW

AMEMBASSY PRAGUE

USMISSION NATO

C O N F I D E N T I A L GENEVA 4854

E.O. 11652: GDS

TAGS: PFOR

SUBJ: CSCE: STATUS OF NEGOTIATIONS IN HUMAN CONTACTS

SUBCOMMITTEE-FAMILY REUNIFICATION

REF: GENEVA 4110

1. A LAST FORMAL SESSION OF HUMAN CONTACTS SUBCOMMITTEE WAS ARRANGED ON AFTERNOON OF JULY 26 TO TRY TO REACH AGREEMENT ON FAMILY REUNIFICATION TEXT WHICH HAS BLOCKED SUBCOMMITTEE WORK SINCE MARCH 20 (SEE REFTEL). TWO SENTENCES, (SECOND AND THIRD PARAS IN TEXT TRANSMITTED BELOW) WHICH WERE INFORMALLY ACCEPTED WEEKS AGO, WERE FORMALLY AGREED BUT NOTHING WAS REGISTERED. NO SINGLE WORKING TEXTS EXISTS, BUT WE TRANSMIT BELOW OUR ESTIMATE OF THE PRESENT STATUS OF THIS TOPIC, FOR THE DEPARTMENT'S INFORMATION. THE SOVIETS STILL MAINTAIN THEIR POSITION THAT NOTHING CAN BE REGISTERED UNTIL AN ACCEPTABLE PLACE IS FOUND FOR A LIMITING PHRASE STATING THAT ALL PROVISIONS WILL BE SUBJECT TO "MUTUALLY ACCEPTABLE CONDITIONS", PRESUMABLY MEANING BILATERAL AGREEMENTS TO BE WORKED OUT LATER. NATO AND NEUTRAL DELS WILL NOT ACCEPT THIS PHRASE IN A RESTRICTIVE CONTEXT. OUR MOCK-UP TEXT FOLLOWS, WITH PARENTHESES
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REPRESENTING BRACKETS.

2. BEGIN TEXT. (A)--THE PARTICIPATING STATES WILL DEAL IN A POSITIVE AND HUMANITARIAN WAY WITH THE APPLICATIONS OF PERSONS WHO WISH TO BE REUNITED WITH MEMBERS OF THEIR FAMILY LIVING IN ANOTHER (COUNTRY (PARTICIPATING STATE), WITH SPECIAL ATTENTION BEING GIVEN TO APPLICATIONS OF AN URGENT CHARACTER--SUCH AS APPLICATIONS SUBMITTED BY PERSONS WHO ARE ILL OR OLD.

(B)--THEY WILL DEAL WITH APPLICATIONS IN THIS FIELD AS EXPEDITIOUSLY AS POSSIBLE.

(C)--THEY WILL, WHERE NECESSARY, LOWER THE FEES CHARGED IN CONNECTION WITH THESE APPLICATIONS TO ENSURE THAT THEY ARE AT A MODERATE LEVEL, (TAKING INTO ACCOUNT THE SPECIAL SITUATION OF FAMILIES WITH MINOR CHILDREN) (TAKING INTO ACCOUNT THE OBJECTIVE MATERIAL CIRCUMSTANCES OF THE LIFE OF THE CITIZENS)

(D)--APPLICATIONS FOR FAMILY REUNIFICATION WHICH ARE NOT GRANTED MAY BE RENEWED AT THE APPROPRIATE LEVEL AND WILL BE RECONSIDERED AT REASONABLY SHORT INTERVALS BY THE COUNTRIES OF RESIDENCE AND DESTINATION (WITH ADDITIONAL ENTRY FEES CHARGED ONLY IN THE CASE OF SUCCESSFUL APPLICATION).

(E)--PERSONS WHOSE APPLICATION FOR FAMILY REUNIFICATION ARE GRANTED MAY BRING WITH THEM OR SHIP THEIR HOUSEHOLD AND PERSONAL EFFECTS; (TO THAT EFFECT THEY WILL HAVE THE BENEFIT OF ALL POSSIBILITIES OFFERED BY THE EXISTING REGULATION).

(F)--UNTIL MEMBERS OF THE SAME FAMILY ARE REUNITED MEETINGS AND CONTACTS BETWEEN THEM MAY TAKE PLACE IN ACCORDANCE WITH THE MODALITIES FOR CONTACTS ON THE BASIS OF FAMILY TIES.

(G)--THE PARTICIPATING STATES WILL SUPPORT THE EFFORTS OF RED CROSS AND RED CRESCENT SOCIETIES CONCERNED WITH THE PROBLEM OF FAMILY REUNIFICATION.

(H)--(THEY REAFFIRM THAT THE PRESENTATION OF A REQUEST WILL LEAVE INTACT THE LEGAL SITUATION OF THE REQUESTOR AND MEMBERS OF HIS FAMILY).

(I)--(THE RECEIVING PARTICIPATING STATE WILL TAKE APPROPRIATE CARE WITH REGARD TO EMPLOYMENT FOR PERSONS FROM OTHER PARTICIPATING STATES WHO TAKE UP PERMANENT RESIDENCE IN CONFIDENTIAL

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THAT STATE IN CONNECTION WITH FAMILY REUNIFICATION WITH ITS CITIZENS AND SEE THAT THEY ARE AFFORDED OPPORTUNITIES EQUAL TO THOSE ENJOYED BY ITS OWN CITIZENS FOR EDUCATION, MEDICAL ASSISTANCE AND SOCIAL SECURITY).

(J)--(THIS TEXT SHALL HAVE THE AIM OF IMPROVING WHERE NECESSARY THE EXISTING AGREEMENTS). END TEXT).

3. MOST OF THE PROBLEMS INDICATED BY BRACKETS CAN BE

RESOLVED IF THE TEXT AS A WHOLE CAN BE AGREED, AND THE TEXT IS THEREFORE NOT AS FAR FROM AGREEMENT AS IT MAY APPEAR. STATUS OF BRACKETS IS DESCRIBED BELOW, WITH LETTERING KEYES TO TEXT IN PARA 2 ABOVE.

(A) THE SOVIETS HAVE SAID THESE BRACKETS COULD BE ELIMINATED BY TERMINATING THE FIRST CLAUSE AFTER THE WORK "FAMILY. SENTENCE WOULD THUS READ"...WITH MEMBERS OF THEIR FAMILY, WITH SPECIAL ATTENTION"...THIS WOULD SOLVE THE PRINCIPAL US PROBLEM IN THE TEXT.

(C) THIS INVOLVES AN FRG REQUIREMENT CONCERNING CHILDREN AND A BULGARIAN COUNTER PROPOSAL. THE FRG REQUIREMENT HAS NO SUPPORT FROM ANY OTHER COUNTRY AND IT IS HOPED THAT THEY CAN BE INDUCED TO DROP IT. HENCE BOTH BRACKETED PHRASES SHOULD DISAPPEAR.

(D) THE SOVIETS HAVE AGREED IN INFORMAL SESSIONS TO THE BRACKETED PHRASE CONCERNING FEES.

(E) THIS IS ONE OF THE COMPLEX ONES, AND THE PHRASE INCLUDED HERE SEEMS TO BE THE BEST POSSIBILITY AMONG SEVERAL FLOATING ALTERNATIVES. THE GENERAL IDEA IS ACCEPTED BUT ACCEPT-ABLE LANGUAGE HAS YET TO BE FOUND.

(H) THIS BRACKETED LANGUAGE IS INTENDED TO COVER EARLIER WESTERN PROPOSALS FOR PROTECTION OF CIVIL RIGHTS OF PERSONS INTENDING TO EMIGRATE. WHILE THE SOVIETS INDICATE A WILLINGNESS TO ACCEPT APPROPRIATE LANGUAGE, THEY HAVE NOT PROPOSED ANY FORMULATION WHICH DEAL WITH THIS VERY REAL PROBLEM.

(I) THIS IS A WESTERN BRACKET WHICH CAN BE REMOVED WHEN THE FULL TEXT IS AGREED. THE PARA HAS BEEN INFORMALLY ACCEPTED BY ALL WESTERN DELEGATIONS.

(J) THE FINAL BRACKET IS THE ONE FRG REQUIREMENT THAT THEY ARE NOT WILLING TO DROP. THE PRESENT FORMULA SEEMS TO BE ACCEPTABLE BUT THE SOVIETS ARE TRYING TO LINK ACCEPT-ANCE OF THIS PHRASE WITH ACCEPTANCE OF A PHRASE ON CONFIDENTIAL

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"MUTUALLY ACCEPTABLE CONDITIONS". ABRAMS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BASKET III, PROGRAMS (PROJECTS), MEETING REPORTS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 27 JUL 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA04854
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740204-0915
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740712/aaaaajyd.tel
Line Count: 155
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: GENEVA 4110
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUN 2002 by boyleja>; APPROVED <24-Sep-2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CSCE: STATUS OF NEGOTIATIONS IN HUMAN CONTACTS SUBCOMMITTEE-FAMILY REUNIFICATION
TAGS: PFOR
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005